

Senate Bill 239

By: Senators Mullis of the 53rd, Reed of the 35th, Smith of the 52nd, Zamarripa of the 36th and Kemp of the 46th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting the 501(c)(3) foundation of the Atlanta Falcons professional sports team in Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new Code Section 40-2-86.10 to read as follows:

"40-2-86.10.

(a) There shall be issued beginning January 1, 2007, special license plates promoting the 501(c)(3) foundation of the Atlanta Falcons professional sports team, subject to the conditions set forth in this Code section.

(b) The commissioner shall design special distinctive license plates appropriate to promote the 501(c)(3) foundation of the Atlanta Falcons professional sports team. The license plates shall be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. The 501(c)(3) foundation of the Atlanta Falcons professional sports team may request the assignment of

1 the first 100 in a series of license plates upon payment of an additional initial registration  
2 fee of \$25.00 for each license plate requested.

3 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section  
4 shall not be implemented until such time as the State of Georgia has, through a licensing  
5 agreement or otherwise, received any licenses or other permissions that may be required  
6 to implement this Code section. The design of the initial edition of the license plates, as  
7 well as the design of subsequent editions and excepting only any part or parts of the  
8 designs owned by others and licensed to the state, shall be owned solely by the State of  
9 Georgia for its exclusive use and control, except as authorized by the commissioner. The  
10 commissioner may take such steps as may be necessary to give notice of and protect such  
11 right, including the copyright or copyrights. However, such steps shall be cumulative of  
12 the ownership and exclusive use and control established by this subsection as a matter of  
13 law, and no person shall reproduce or otherwise use such design or designs, except as  
14 authorized by the commissioner.

15 (d) Beginning in calendar year 2007, any Georgia resident who is the owner of a motor  
16 vehicle, except a vehicle registered under the International Registration Plan, upon  
17 complying with the motor vehicle laws relating to registration and licensing of motor  
18 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular  
19 motor vehicle registration fee shall be issued a license plate promoting the 501(c)(3)  
20 foundation of the Atlanta Falcons professional sports team. Revalidation decals shall be  
21 issued for such license plates in the same manner as provided for general issue license  
22 plates.

23 (e) From the additional \$25.00 fee charged for the issuance and renewal of the license  
24 plates authorized under this Code section, \$2.00 shall be used by the department for  
25 manufacturing and purchase costs, \$13.00 shall be paid to the general fund of the state  
26 treasury, and \$10.00 shall be exclusively dedicated for the purpose of assisting charities  
27 that are supported by the 501(c)(3) foundation of the Atlanta Falcons professional sports  
28 team, pursuant to Article III, Section IX, Paragraph VI(n) of the Constitution. Such  
29 dedicated funds shall be appropriated for such purpose to the Department of Community  
30 Affairs or such other public agency as may be specified in the general or amended general  
31 appropriations Act. The agency or organization ultimately making use of such funds shall  
32 periodically provide to the commissioner an audit of the use of the funds or other evidence  
33 of use of the funds satisfactory to the commissioner. Any audit performed under Chapter  
34 6 of Title 50 shall meet this auditing requirement. If an audit demonstrates that the funds  
35 are not being used for the purposes set forth in this Code section or if the required audit or  
36 evidence is not provided to the commissioner, then the commissioner shall so notify the

House and Senate Appropriations Committees. Any funds appropriated pursuant to this Code section shall not lapse.

(f) An applicant may request a license plate promoting the 501(c)(3) foundation of the Atlanta Falcons professional sports team any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the license plate shall be issued with appropriate decals attached.

(g) No special license plate authorized pursuant to this Code section shall be issued until a minimum of 1,000 applications has been received by the department. The special license plate shall have an application period of two years after January 1, 2007, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(h) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the five-year period as provided in subsection (b) of Code Section 40-2-31, manufacture of the license plates shall not be continued until the commissioner receives 1,000 applications.

(i) License plates promoting the 501(c)(3) foundation of the Atlanta Falcons professional sports team shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(j) License plates promoting the 501(c)(3) foundation of the Atlanta Falcons professional sports team shall be issued within 30 days of application once the requirements of this Code section have been met."

## SECTION 2.

This Act shall become effective on January 1, 2007; provided, however, that this Act shall only become effective on January 1, 2007, upon the ratification of a resolution at the November, 2006, state-wide general election, which resolution amends the Constitution of the State of Georgia so as to authorize the dedication of revenue from the sales of license plates to a general purpose relating to the nature of the special license plate. If such

1 amendment is not ratified, this Act shall not become effective and shall stand repealed in its  
2 entirety on January 1, 2007, and no such motor vehicle license plates shall be issued pursuant  
3 to this Act.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.